

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 CIVIL APPLICATION NO.4586 OF 2022
IN FA/2794/2021

ASHOK EKNATH DHONE

VERSUS

THE EX. ENGINEER, OSMANABAD IRRIGATION
DIV. OMERGA AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Nos. 2 and 3 : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr H.A. Randhir h/f Mrs C.R. Choudhary Kutti

WITH

931 CIVIL APPLICATION NO.4583 OF 2022
IN FA/2792/2021

NARAYAN KRISHNA DHONE ANDE ANR.

VERSUS

THE EX. ENGINEER, OSMANABAD IRRIGATION
DIV. OMERGA AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Nos. 2 and 3 : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr H.A. Randhir h/f Mrs C.R. Choudhary Kutti

WITH

931 CIVIL APPLICATION NO.4576 OF 2022
IN FA/2799/2021

RAHIM SONU MUJAWAR (DIED)
THR LRS SIMANDAR RAHIM MUJAWAR

VERSUS

THE EX. ENGINEER, OSMANABAD IRRIGATION
DIV. OMERGA AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Nos. 2 and 3 : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr H.A. Randhir h/f Mrs C.R. Choudhary Kutti

WITH
931 CIVIL APPLICATION NO.4584 OF 2022
IN FA/2796/2021

RAMCHANDRA EKNATH DHONE

VERSUS

THE EX. ENGINEER, OSMANABAD IRRIGATION
DIV. OMERGA AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Nos. 2 and 3 : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr H.A. Randhir h/f Mrs C.R. Choudhary Kutti

WITH
931 CIVIL APPLICATION NO.4578 OF 2022
IN FA/2791/2021

PAPA SHERKHAN @ SHERUBHAI KHONDE

VERSUS

THE EX. ENGINEER, OSMANABAD IRRIGATION
DIV. OMERGA AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Nos. 2 and 3 : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr H.A. Randhir h/f Mrs C.R. Choudhary Kutti

WITH
931 CIVIL APPLICATION NO.4581 OF 2022
IN FA/2798/2021

DILIP RAMCHANDRA PAWAR

VERSUS

THE EX. ENGINEER, OSMANABAD IRRIGATION
DIV. OMERGA AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Nos. 2 and 3 : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr H.A. Randhir h/f Mrs C.R. Choudhary Kutti

WITH
931 CIVIL APPLICATION NO.4579 OF 2022
IN FA/2797/2021

DADASAHEB KUNDLIK GAIKWAD

VERSUS

THE EX. ENGINEER, OSMANABAD IRRIGATION
DIV. OMERGA AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Nos. 2 and 3 : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr H.A. Randhir h/f Mrs C.R. Choudhary Kutti

WITH

931 CIVIL APPLICATION NO.4580 OF 2022
IN FA/2795/2021

RANGNATH PRALHAD NANDE

VERSUS

THE EX. ENGINEER, OSMANABAD IRRIGATION
DIV. OMERGA AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Nos. 2 and 3 : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr H.A. Randhir h/f Mrs C.R. Choudhary Kutti

WITH

931 CIVIL APPLICATION NO.4585 OF 2022
IN FA/2793/2021

VISHWANATH MARUTI NANDE (DIED) THR
LRS NANDKUMAR VISHWANATH NANDE

VERSUS

THE EX. ENGINEER, OSMANABAD IRRIGATION
DIV. OMERGA AND OTHERS

...

Advocate for Applicant : Mr R.V. Naiknavare
AGP for Respondent Nos. 2 and 3 : Mr S.N. Morampalle
Advocate for Respondent No. 3 : Mr H.A. Randhir h/f Mrs C.R. Choudhary Kutti

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 22nd APRIL, 2022

PER COURT :

1. These are the applications for withdrawal of compensation amount

moved by the applicants/claimants.

2. Heard Mr R.V. Naiknavare, learned Counsel for the applicants/claimants, Mr H.A. Randhir holding for Mrs C.R. Choudhary Kutti, learned counsel for the acquiring body and Mr N.T. Bhagat, learned AGP for the State.

3. Mr R.V. Naiknavare, learned counsel for the applicants/claimants seeks leave to place on record copy of order passed by this Court in Civil Application No. 2511/2020 in First Appeal No. 2376/2019 dated 27.02.2020. Leave granted.

4. The copy of the order is taken on record and marked 'X' for identification.

5. Mr Naiknavare, learned counsel for the claimants seeks similar relief.

6. Mr H.A. Randhir holding for Mrs C.R. Choudhary Kutti, learned counsel for the acquiring body and the learned AGP for the State have been fair enough to admit the position of passing of earlier order by this Court arising out of same group and same project, thereby allowing the claimants to withdraw in all 75% of the amount of compensation. I do not see any reason to take any different view. By taking the same view, I proceed to pass the following order :-

ORDER

(A) The applications are hereby allowed as under :-

(i) The applicants are permitted to withdraw 50% of the amount of compensation on furnishing usual undertaking with the Registrar (Judicial) of this Court.

- (ii) The applicants are further permitted to withdraw 25% of the amount of compensation on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) The remaining 25% of the amount of compensation shall be invested in Fixed Deposit Account in any nationalized bank for a period of one year with renewal clause.
- (iv) The applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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